IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

Bail Appl..No. 7768 of 2007()

CRIME 734/07 OF OLLUR POLICE STATION

PETITIONER : APPLICANT/7TH ACCUSED

RAJU @ RAJU SAIT, S/O. BHANU DAS,
P.O.LENERY, PITTA TALUK, DAMGLI DISTRICT,
MAHARASHTRA.

BY ADV. SRI.P.SANTHOSH (PODUVAL)

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING SUB INSPECTOR OF POLICE,
OLLUR POLICE STATION.

BY PUBLIC PROSECUTOR ADV.SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7768 OF 2007

Dated this the 17th day of December, 2007

O R D E R

Application for regular bail. Petitioner is the 7th accused. He faces allegations in a crime registered for offences punishable, inter alia, under Sections 379 and 413 IPC. As against the petitioner, the only allegation raised is the one punishable under Section 413 IPC. A gang of miscreants roaming around in motor cycles are allegedly involved in the offences of snatching gold chains. That gold chains/ornaments thieved by them is sold ultimately to the petitioner herein. The petitioner was shown as arrested on 21.10.07. He continues in custody from that date. The crux of the allegations as indicated earlier is that the petitioner received stolen property which accused Nos.1 to 4 had thieved and which they handed over to A6 and from whom they were sold to A7.

2. The learned counsel for the petitioner submits that the petitioner has been in custody from 14.10.07. His arrest

was formally recorded on 21.10.07. In any view of the matter, the petitioner does not deserve to be detained in custody any longer, submits the learned counsel for the petitioner. The learned counsel for the petitioner brings to the notice of the Court that the theory of the prosecution was doubted by the learned Magistrate and the petitioner was not given over to police custody by the learned Magistrate. The learned counsel for the petitioner further points out that the petitioner was illegally detained to police station and thereupon a complaint was filed under Section 97 Cr.P.C. and the learned Magistrate had ordered search and production of the petitioner. At that stage, the petitioner was arrested and he was produced though the earlier stand taken was that the petitioner was not arrested. The learned counsel for the petitioner submits that because of initiation of proceedings against the police by the relatives of the petitioner, he has been falsely implicated in crimes with the intention of harassing him. In these circumstances, the petitioner may

now be enlarged on bail subject to appropriate terms and conditions, it is prayed.

3. The learned Public Prosecutor does not oppose the application. The learned Public Prosecutor fairly submits that so far the petitioner is not shown to be arrayed as an accused in any offence involving the allegation of his being a receiver of stolen property. Other than this case, he has not been specifically arrayed in any other cases so far. In these circumstances, it is submitted that the State has no objection in the petitioner being released on bail subject to appropriate and strict conditions.

4. Having considered all the relevant inputs, I am satisfied that the prayer of the petitioner is justified and he can be directed to be released on bail. I shall carefully avoid any detailed discussions on merits about the acceptability of the allegations or the credibility of the data collected. Suffice it to say that the learned counsel for the petitioner has taken me through the findings of the learned Magistrate in Annexure-A

order particularly in paragraph 6 thereof. I am satisfied that the petitioner can be enlarged on bail now subject to appropriate conditions.

5. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions:-

i) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays, for a period of two months from the date of his release and thereafter as and when directed by the investigating officer in writing to do so.

(R.BASANT, JUDGE)

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